IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.547 OF 2005

Shri Murari Fulaji Surve. .. .. Petitioner
v/s.
Central Bank of India & ors. .. Respondents

Mr.Deepak Chitnis for petitioner.

Mr.Deepak Thakkar i/by M/s.Pragna Thakker & Co. for res.No.1.

CORAM : H.L. GOKHALE &
S.C.DHARMADHKARI, JJ.

DATED : 11TH MARCH 2005

P.C. :

1. Heard Mr.Chitnis for the petitioner. Mr.Thakkar appears for respondent No.1-Bank.

2. The petitioner is aggrieved by the order of deposit passed by the Debts Recovery Appellate Tribunal on 28th December 2004. Mr.Chitnis, learned Counsel appearing for the petitioner, points out the financial difficulties of the petitioner who is a farmer, aged over 85 years. We have considered this aspect. Mr.Thakkar, learned Counsel appearing for respondent No.1-Bank, has opposed any reduction in the amount

of deposit. However, in all fairness, he has left it to the Court to pass appropriate orders. On a query to Mr.Chitnis, he has also stated that although the petitioner has deposited a sum of Rs.20,000/- at the time of filing of the original proceedings, he may deposit an appropriate amount on being so directed by this Court.

3. Considering the totality of the factors, we reduce the amount to be deposited from Rs.75,000/- to Rs.10,000/-. The order dated 28th December 2004 passed by the Debts Recovery Appellate Tribunal will stand modified to that extent. Petition is disposed of.

(H.L. GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)